

REMARKS

The specification has been amended. A revised Figure 1 has been submitted herewith. Claim 10 has been amended. Claims 10 - 18 are currently pending in the present application.

In the Office Action, the drawings are objected to. Also, in the Office Action, claims 10-11, 13, and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Navaro US Patent Application No. 2002/0062654. Additionally, in the Office Action, claim 12 is rejected under 35 U.S.C. §103 (a) as being unpatentable over Navaro US Patent Application No. 2002/0062654 and Masashi JP2003-202179. Moreover, in the Office Action, claims 10, 17, and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Masashi JP2003-202179. Furthermore, in the Office Action, claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Funk US Patent No. 4,477,166 and Parenti US Patent No. 2,222,823. Further additionally, in the Office Action, claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Navaro US Patent Application No. 2002/0062654 in view of Shiraishi JP-2002-295968.

With respect to the objection to the drawings, a new Figure has been submitted herewith now showing the feature of the pump driven by at least one of opening and closing a door of the refrigeration device as recited in claim 16 of the present application and the specification has been amended. It is therefore submitted that this objection to drawings is now overcome.

With respect to the prior art rejections of claims 10 – 18, favorable reconsideration is respectfully requested in view of the amendment of claim 10 and the following comments.

Claim 10 of the present application as currently amended recites a refrigeration device. The refrigeration device includes a collection device for condensed water and a vaporiser for the condensed water connected to the collection device. The vaporiser operates to produce droplets of water from the

AMENDMENTS TO THE DRAWINGS:

Please delete the originally filed Figure 1 and enter into the record the new Figure 1 that has been submitted herewith as page 1 / 2 "Replacement Sheet".

condensed water by a non-evaporation step in which the droplets of water are formed directly from the condensed water without any intermediate steps of evaporating the condensed water into a gas and thereafter condensing the gas to form droplets.

Navaro US Patent Application No. 2002/0062654 discloses a refrigerated showcase with a compressor 7 and a water evaporator filter 11 is placed over the face of a condenser coil box 9. Water flows downwardly over the filter 11 and then passes downwardly over a precondenser coil 12 which is located in a dissipater pan 13. Optionally, a spray device can be provided below the filter 11 to distribute the water onto the precondenser coil 12 more evenly or in any other preselected manner. A major portion of the precondenser coil 12 is exposed to the atmosphere and rests on the bottom of the dissipater pan 13. The water evaporates into the atmosphere from the dissipater pan 13.

Masashi JP2003-202179 discloses a refrigeration device comprising a collection device 7 for condensed water and a vaporiser/ultrasonic vibrator 11 connected to the collection device.

Funk US Patent No. 4,477,166 discloses a solenoid pump 25 that pumps water from a water source 26 to a water evaporator 27.

Parenti US Patent No. 2,222,823 discloses a solenoid coil 62, a pump piston 20, and springs 55, 44.

Shiraishi JP-2002-295968 discloses a door whose opening operation is assisted by a pump with a cylinder 23 and a piston 24.

With respect to the rejection of claims 10-11, 13, and 14 under 35 U.S.C. 102(b) as being anticipated by Navaro '654 and with respect to the rejection of 10, 17, and 18 under 35 U.S.C. §102(b) as being anticipated by Masashi JP2003-202179, favorable reconsideration is respectfully requested in view of the amendment of claim 10 and the following comments.

It is submitted that the present invention is neither anticipated by, nor obvious over, Navaro '654 or Masashi JP2003-202179. For example, Navaro

'654 does not disclose "a vaporiser for the condensed water connected to the collection device...that operates to produce droplets of water from the condensed water by a non-evaporation step in which the droplets of water are formed directly from the condensed water without any intermediate steps of evaporating the condensed water into a gas and thereafter condensing the gas to form droplets" as recited, for example, in claim 19 of the present application. Instead, Navaro '654 discloses that water evaporates into the atmosphere from the dissipater pan 13.

With respect to the rejection of claim 16 under 35 U.S.C. 103(a) as being unpatentable over Navaro '654 in view of Shiraishi JP-2002-295968, favorable reconsideration is respectfully requested in view of the amendment of claim 10 and the following comments. It is respectfully submitted that none of the prior art of record would provide one of skill in the art with any motivation for, or any hint of the desirability of, combining Navaro '654 and Masahi '179 with one another. Navaro '654 discloses a refrigerated showcase with a compressor 7 and a water evaporator filter 11. Thus, Navaro '654 itself does not disclose nor suggest a collection device for condensed water and a vaporiser for the condensed water connected to the collection device., as recited in claim 10 of the present application.

Thus, Navaro '654 itself would provide no motivation for one of skill in the art to selectively incorporate features of the Masahi '179 arrangement. Turning to Masahi '179, this prior art reference as well would provide no motivation for one of skill in the art to selectively incorporate features of the Masahi '179 arrangement into the Navaro '654 arrangement. A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the

very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." *Id.* (quoting *W.L. Gore & Assocs. Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Applicants respectfully believe that any teaching, suggestion, or incentive possibly derived from the prior art is only present with hindsight judgment in view of the instant application. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. . . . The references themselves must provide some teaching whereby the applicant's combination would have been obvious." *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (emphasis added by applicants). Here, no such teaching is present in either Navaro '654 and Masahi '179.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations. Upon evaluation of the Office action, it is respectfully believed that the evidence adduced is insufficient to establish a *prima facie* case of obviousness with respect to claim 16.

Accordingly, it is submitted that independent claim 10 of the present application patentably defines over the prior art of record. Also, it is submitted that claims 11- 18, which ultimately depend from claim 10, also are allowable over the prior art of record for at least the reasons set forth above.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 10 – 18 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell W. Warnock".

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